


Deborah A. Gist
Commissioner

State of Rhode Island and Providence Plantations
DEPARTMENT OF EDUCATION
Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400

Enclosure 7d
January 19, 2012

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TO: Members of the Board of Regents

FROM: Deborah A. Gist, Commissioner 

RE: Approval of Delegating the Authority of Granting Space Allowance
Exceptions to the Commissioner

The decision in the Melissa Pattavina, et al. v. Newport School Committee, required the Board of Regents to approve a space allowance guideline exception. As a result, the Board of Regents will now be responsible for approving any deviation from the space allowance guidelines in the School Construction Regulations (SCR).

The space allowance guidelines (SCR 1.06) provide guidance to districts on the maximum square footage eligible for reimbursement funding. Because these guidelines provide a maximum threshold, in the past, proposed projects with deviations below the standard were carefully reviewed as part of the multi-stage Necessity of School Construction application process. If these deviations were considered educationally adequate and appropriately efficient, the project was forwarded to the Board of Regents for consideration with an implicit approval of any space allowance exception. This decision would require the Board of Regents to vote on any programmatic element of any proposed project that deviates from the maximum space allowance eligible for reimbursement per the SCR. Because of the large amount of program space in our districts' schools and the complexity of educational programming, the review and approval of space allowance exceptions is best addressed as part of the necessity of school construction application review process.

Therefore, I RECOMMEND THAT, the Rhode Island Board of Regents for Elementary and Secondary Education delegate to the Commissioner the authority to approve space allowance guidelines exceptions.